

Assembly Bill No. 2176

CHAPTER 879

An act to amend Section 42911 of, and to add Chapter 12.7 (commencing with Section 42648) to Part 3 of Division 30 of, the Public Resources Code, relating to recycling.

[Approved by Governor September 29, 2004. Filed
with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, Montanez. Large venue and large event recycling programs.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities.

This bill would require the board, by April 1, 2005, to make available one or more model local agency ordinances to facilitate solid waste reduction, reuse, and recycling programs at large venues and large events, consult with specified entities while developing the model ordinances, and post specified information on the board's Internet Web site.

The bill would require each local agency, which the bill would define as a city or a county, to provide specified information, on and after July 1, 2005, to operators of large venues and large events when issuing a permit and, by August 1, 2006, and annually thereafter, until August 1, 2008, to provide the board with an estimate and description of the top 10% of large venues and large events within its jurisdiction, based upon amount of solid waste generated, as submitted by operators at large venues and large events.

The bill would require the board, by December 1, 2008, to evaluate the solid waste reduction, reuse, and recycling rates and implementation of waste reduction, reuse, and recycling plans in the top 10% of large venues and large events, as reported by each local agency. The bill would require the board, after reviewing specified information, if it determines that less than 75% of the solid waste reduction, reuse, and recycling

plans for the large venues and large events, have been prepared or implemented to meet their waste reduction, reuse, and recycling rates, to recommend to the Legislature those statutory changes needed to require operators of large venues and large events to implement solid waste reduction, reuse, and recycling plans.

The bill would require each operator of a large venue and large event, by July 1, 2005, and on or before July 1 annually thereafter, to submit specified documentation to the local agency, within one month of a request by the local agency.

The bill would require the operator of a large venue or a large event to meet by July 1, 2005, and by July 1 biennially thereafter, with recyclers and the solid waste enterprise that provides solid waste handling services to the large venue or large event to determine the solid waste reduction and recycling programs that are appropriate for the large venue or event, as specified.

The bill would require the board to provide technical assistance and tools with regard to implementing the bill's requirements, to the extent feasible under existing financial resources.

This bill would authorize a local agency to charge and collect a fee from the operator of a large venue or large event in order to recover the local agency's estimated costs incurred in complying with the provisions of the bill.

The bill would impose a state-mandated local program by requiring local agencies to provide specified information and include specified requirements in the local permitting process.

(2) Existing law requires the board to adopt a model ordinance for adoption by local agencies relating to adequate areas for collecting and loading recyclable materials in development projects. Local agencies are required to adopt an ordinance, not later than a specified date, relating to adequate areas for collecting and loading recyclable materials in development projects. If a local agency has not adopted that ordinance by the specified date, the model ordinance adopted by the board is required to take effect on that date and be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance.

This bill would prohibit a local agency, on and after July 1, 2005, from issuing any building permit to a development project, unless the development project provides adequate areas for collecting and loading recyclable materials.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Effective resource management techniques include preventing the creation of waste through conscientious purchasing of materials, buying recyclable, reusable, compostable, and recycled-content products, and reusing materials and goods, as well as resource recovery through recycling and composting.

(2) Experience in this state and others demonstrates that effective resource management conserves natural resources and reduces the need for additional landfill capacity.

(3) Experience also demonstrates that large venues and large events generate substantial quantities of solid waste, primarily corrugated cardboard, food waste, and compostables such as animal bedding; and reusable and recyclable materials such as beverage containers, paper, and glass.

(4) The community conservation corps has originated innovative recycling programs through partnerships formed with an assortment of schools, public agencies, and local organizations. These partnerships supplement existing services, further state and county waste studies, and assist in establishing conservation goals.

(b) Accordingly, it is the intent of the Legislature, in enacting this act, to do all of the following:

(1) Encourage increased opportunities for effective resource management for all consumers through implementation or reduction, reuse, and recycling plans for large venues and large events, including, but not limited to, large private, nonprofit, or publicly owned stadiums, sports arenas, theaters, halls, amusement parks, zoos, airports, fairgrounds, museums, and other large venue businesses.

(2) Make effective solid waste reduction, reuse, and recycling opportunities available and convenient to consumers, and urge cities and counties to adopt ordinances that facilitate solid waste reduction, reuse, and recycling opportunities at large venues and events, to enhance the overall success of solid waste reduction, reuse, and recycling in the state.

(3) Create a mechanism to aid cities and counties in complying with waste diversion requirements set forth in the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code).



(4) Encourage operators of large venues and large events to meet with their local agency's recycling coordinator, or other official designated by a local agency, community conservation corps, recyclers, or the solid waste enterprise providing solid waste handling, whether by exclusive franchise with the local agency or by a permit, contract, or nonexclusive franchise, to do all of the following:

(A) Determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large event.

(B) Develop solid waste reduction, reuse, and recycling rates, and a plan that would achieve those solid waste reduction, reuse, and recycling rates.

(C) Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

(5) Encourage operators of large venues and large events to include solid waste reduction, reuse, and recycling elements in their design and operating plans, including, but not limited to, adequate space for waste reduction, reuse, and recycling activities, developing partnerships with community groups to encourage reuse of materials, when appropriate, and negotiating solid waste handling and recycling contracts that promote waste reduction, reuse, and recycling.

(6) Encourage operators of large venues and large events to purchase recyclable, reusable, compostable, and recycled-content products.

SEC. 2. Chapter 12.7 (commencing with Section 42648) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.7. LARGE VENUE RECYCLING

42648. For purposes of this chapter, the following definitions apply:

(a) "Individual" means a person who works at, or attends, a large venue or large event, or a customer who is seated or served at the large venue or large event.

(b) "Large event" means an event that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, including, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event, including, but not limited to, a sporting event or a flea market.

(c) "Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium,

amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue.

(d) “Local agency” means a city or county.

42648.1. On or before April 1, 2005, the board shall take all of the following actions:

(a) Make available one or more model ordinances that are suitable for modification by a local agency and that may be adopted by a local agency to facilitate solid waste reduction, reuse, and recycling programs, at large venues and large events in accordance with the requirements of this chapter.

(b) While developing the model ordinance, consult with representatives of the League of California Cities, the California State Association of Counties, recyclers, private and public solid waste services and appropriate personnel involved with the operation and management of large venues and large events.

(c) Post information on the board’s Internet Web site on the solid waste reduction, reuse, and recycling programs for implementation by operators of large venues and large events to decrease solid waste and increase diversion of recyclable materials.

(d) Post information on the board’s Internet Web site for local agencies, with examples of solid waste reduction, reuse, and recycling programs, including, but not limited to, those operated by community conservation corps.

42648.2. (a) (1) On and after July 1, 2005, when issuing a permit to an operator of a large venue or large event, the local agency shall provide information to the operator on programs that can be implemented to reduce, reuse, and recycle solid waste materials generated at the venue or event, and provide contact information about where solid waste materials may be donated, recycled, or composted. This information may include, but is not limited to, providing information directing the operator of the large venue or large event to the board’s Web site or any other appropriate Web site included by the local agency, direct mailings, brochures, or other relevant literature.

(2) On or before August 1, 2006, and annually thereafter until August 1, 2008, each local agency shall provide the board with an estimate and description of the top 10 percent of large venues and large events within its jurisdiction, based upon amount of solid waste generated, as submitted by operators of large venues and large events pursuant to Section 42648.3. To the extent that the information is readily available



to the local agency, the information shall include the name, location, and a brief description of the venue or event, a brief description of the types of wastes generated, types, and estimated amount of materials disposed and diverted, by weight, and existing solid waste reduction, reuse, and recycling programs that the operator of the large venue or large event utilizes to reduce, reuse, and recycle the solid waste. This information shall be reported to the board as a part of the local agency's annual report submitted pursuant to Section 41821.

(b) On or before December 1, 2008, the board shall evaluate the solid waste reduction, reuse, and recycling rates and implementation of waste reduction, reuse, and recycling plans in the top 10 percent of large venues and large events as reported by each local agency pursuant to paragraph (2) of subdivision (a). If the board, upon reviewing the information reported to the board by local agencies pursuant to paragraph (2) of subdivision (a), determines that less than 75 percent of the solid waste reduction, reuse, and recycling plans for the large venues and large events have been prepared or implemented to meet their waste reduction, reuse, and recycling rates developed pursuant to subdivision (a) of Section 42648.4, according to the schedule determined pursuant to subdivision (b) of Section 42648.4, the board shall recommend to the Legislature those statutory changes needed to require operators of large venues and large events to implement waste reduction, reuse, and recycling plans.

42648.3. On or before July 1, 2005, and on or before July 1 annually thereafter, each operator of a large venue or large event shall submit to the local agency, upon request by the local agency, written documentation of waste reduction, reuse, recycling, and diversion programs, if any, implemented at the large venue or large event, and the type and weight of materials diverted and disposed at that large venue or large event. If the operator of a large venue or large event cannot implement a program as provided in the solid waste reduction, reuse, and recycling plan, the operator shall include a brief explanation for the delay as part of its report to the local agency. The operator of the large venue or large event shall submit the requested information to the local agency, no later than one month from the date the operator receives the request.

42648.4. On or before July 1, 2005, and on or before July 1, biennially thereafter, the operator of a large venue or large event shall meet with recyclers and with the solid waste enterprise that provides solid waste handling services to the large venue or large event, whether by an exclusive franchise with the local agency, or by a permit, contract, or nonexclusive franchise, to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large



event. In determining feasible solid waste reduction, reuse, and recycling programs, the operator may do any of the following:

(a) Develop solid waste reduction, reuse, and recycling rates and a solid waste reduction, reuse, and recycling plan that would achieve those solid waste reduction, reuse, and recycling rates.

(b) Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

42648.5. The board shall provide technical assistance and tools to implement this chapter, to the extent feasible under existing financial resources. This technical assistance may include, but is not limited to, model documents, training, research on solid waste management best practices, cost reduction, and innovative products to assist local agencies and operators of large venues and large events to develop and implement effective solid waste reduction, reuse, and recycling plans and rates.

42648.6. If a large venue or large event has contiguous parcels located in both the City of Los Angeles and the County of Los Angeles, the requirements of this chapter shall apply only to the local agency containing the majority of the property for that large venue or event.

42648.7. A local agency may charge and collect a fee from an operator of a large venue or large event in order to recover the local agency's estimated costs incurred in complying with this chapter.

SEC. 3. Section 42911 of the Public Resources Code is amended to read:

42911. (a) Each local agency shall adopt an ordinance relating to adequate areas for collecting and loading recyclable materials in development projects.

(b) If a local agency has not adopted an ordinance for collecting and loading recyclable materials in development projects on or before September 1, 1994, the model ordinance adopted pursuant to Section 42910 shall take effect on September 1, 1994, and shall be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance.

(c) On and after July 1, 2005, a local agency shall not issue a building permit to a development project, unless the development project provides adequate areas for collecting and loading recyclable materials.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service

mandated by this act, within the meaning of Section 17556 of the Government Code.

O

